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★ AUG 29 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.,

BROOKLYN OFFICE

ORDER

Plaintiff,

11-CV-4422 (NGG) (VVP)

-against-

LA RULETA, INC., d/b/a LA RULETA and BENIGNO
GUZMAN,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff J&J Sports Productions, Inc. brought this action against Defendants La Ruleta, Inc. and Benigno Guzman. (Compl. (Docket Entry # 1).) Plaintiff alleges that, on September 19, 2009, Defendants unlawfully intercepted, received, and exhibited Plaintiff's closed-circuit telecast of a boxing match between Floyd Mayweather and Juan Manuel Marquez, in violation of the Cable Communications Policy Act of 1984, 47 U.S.C. §§ 553 and 605. (*Id.*)

Because Defendants failed to file an answer or otherwise respond to the Complaint, the Clerk of Court entered a notice of default against Defendants on January 23, 2012, pursuant to Federal Rule of Civil Procedure 55(a). (Docket Entry # 8.) Plaintiff then moved for default judgment. (Docket Entry # 9.) The court referred this motion to Magistrate Judge Victor V. Pohorelsky for a report and recommendation ("R&R"), pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Docket Entry of Feb. 14, 2012.)


On August 7, 2012, Judge Pohorelsky issued his R&R recommending that Plaintiff's motion for default judgment be granted in part and denied in part. (R&R (Docket Entry # 15).)

No party has objected to Judge Pohorelsky's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Accordingly, the court reviews the R&R for clear error. See La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); cf. 28 U.S.C. § 636(b)(1).

The court has reviewed Judge Pohorelsky's thorough and well-reasoned R&R for clear error and finds none. Accordingly, the court ADOPTS the R&R in its entirety. See Porter v. Potter, 219 F. App'x 112, 112-13 (2d Cir. 2007). Plaintiff's motion for default judgment is GRANTED as to Defendant La Ruleta, Inc., and DENIED as to Defendant Benigno Guzman. Plaintiff is AWARDED statutory damages against Defendant La Ruleta, Inc., pursuant to 47 U.S.C. § 605, in the amount of \$6,600, and fees and costs in the amount of \$470. No damages shall be awarded against Defendant Benigno Guzman. The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

Dated: Brooklyn, New York
August 27, 2012



NICHOLAS G. GARAUFIS V
United States District Judge